

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

RONALD D. JOHNSTON, a married person,)
)
Plaintiff,) NO. _____
)
v.) Pierce County Superior Court
) Cause No.: 10-2-11784-4
THE SHAW GROUP, INC., a Louisiana)
corporation; ATLANTIC CONTINGENCY) NOTICE OF REMOVAL OF ACTION
CONSTRUCTORS, LLC, a Louisiana Limited) UNDER 28 U.S.C. §§1331, 1441 AND 1446
Liability Company; GENERAL)
MECHANICAL, INC., a Washington)
corporation; NESS & CAMPBELL CRANE,)
INC., a Washington corporation,)
)
Defendants.)
_____)

TO THE CLERK IN THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. sections 1331, 1441 and 1446,
defendant Ness & Campbell Crane, Inc. ("Ness") hereby gives notice of the removal of this
action, originally filed in the Pierce County Superior Court, to the United States District Court
for the Western District of Washington at Tacoma based on the following grounds:

NOTICE OF REMOVAL OF ACTION UNDER
28 U.S.C. §§1331, 1441 and 1446 - 1
No. _____
#767917 v1 / 42854-001

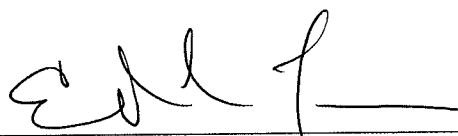
Law Offices
KARR TUTTLE CAMPBELL
A Professional Service Corporation
1201 Third Avenue, Suite 2900, Seattle, Washington 98101-3028
Telephone (206) 223-1313, Facsimile (206) 682-7100

1 8. Ness has attached those documents required by 28 U.S.C. section 1446(a) and
2 (b) and the local rules of the United States District Court, Western District of Washington,
3 including a copy of the Summons and Complaint filed upon it by plaintiff.
4

5 WHEREFORE, defendant Ness respectfully requests that the above action now
6 pending against it in the Superior Court of Washington, County of Pierce, be removed to this
7 court.
8

9 DATED this 8th day of September, 2010.

10 KARR TUTTLE CAMPBELL

11 By: 
12

13 E. Pennock Gheen, WSBA No. 14969
14 Attorneys for Defendant Ness & Campbell Crane, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that on Wednesday, September 08, 2010, I caused to be served the foregoing document to:

John R. Wilson, WSBA #24501
 Rush, Hannula, Harkins & Kyler, LLP
 4701 South 19th St., Ste. 300
 Tacoma, WA 98405
jwilson@rhhk.com
 Ph: 253.383.5388
 Fax: 253.272.5105
Counsel for Plaintiff



via hand delivery via ABC Legal Messengers.
 via first class mail, postage prepaid.
 via email.

Eileen I. McKillop, WSBA #21602
 Oles Morrison Rinker & Baker LLP
 701 Pike St., Ste. 1700
 Seattle, WA 98101-3930
mckillop@oles.com
 Ph: 206.623.3427
 Fax: 206.682.6234
***Counsel for Defendants The Shaw Group,
 Inc. and Atlantic Contingency
 Constructors, LLC***



via hand delivery via ABC Legal Messengers.
 via first class mail, postage prepaid.
 via email.

Michael T. Morgan, WSBA #29314
 Law Offices of Kenneth R. Searce
 420 Century Square
 1501 Fourth Ave.
 Seattle, WA 98101-3225
mtmorgan@travelers.com
 Ph: 206.326.4217
 Fax: 206.326.4220
***Counsel for Defendant General
 Mechanical, Inc.***



via hand delivery via ABC Legal Messengers.
 via first class mail, postage prepaid.
 via email.

I declare under penalty of perjury under the laws of the state of Washington on Wednesday, September 08, 2010, at Seattle, Washington.


 Heather L. White

Exhibit 1

E-FILED
IN COUNTY CLERK'S OFFICE
PIERCE COUNTY, WASHINGTON

August 05 2010 3:02 PM

KEVIN STOCK
COUNTY CLERK
NO: 10-2-11784-4

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY
CASE COVER SHEET / CIVIL CASES

Case Title RONALD D. JOHNSTON VS. THE SHAW
GROUP INC Case Number 10-2-11784-4
Atty/Litigant JOHN ROSS WILSON Bar # 24501 Phone (253) 383-5388
Address 4701 S 19th St Ste 300
City TACOMA State WA Zip 98405

Please check one category that best describes this case for indexing purposes.

Presumed tracks are listed next to the cause codes. (Non PCLR and Rev 4 indicate no Track Assignment Request is required.)

If you cannot determine the appropriate category, please describe the cause of action below. This will create a Miscellaneous cause which is not subject to PCLR 1, and does not require a Track Assignment Request Form.

APPEAL / REVIEW

☐ Administrative Law Review (ALR 2) *REV 4*
☐ Civil, Non-Traffic (LCA 2) *REV 4*
☐ Civil, Traffic (LCI 2) *REV 4*
☐ Land Use Petition (LUP 2) LUPA

CONTRACT / COMMERCIAL

☐ ♦Breach of Contract (COM 2) *REV 4*
☐ ♦Commercial Non-Contract (COM 2) *REV 4*
☐ ♦Commercial-Contract (COM 2) *REV 4*
☐ Third Party Collection (COL 2) *REV 4*

JUDGMENT

☐ ♦Judgment, Another County (ABJ 2) *Non PCLR*
☐ ♦Abstract Only (ABJ 2) *Non PCLR*
☐ Transcript of Judgment (TRJ 2) *Non PCLR*
☐ ♦Foreign Judgment Civil (FJU 2) *Non PCLR*
☐ ♦Judgment, Another State (FJU 2) *Non PCLR*

TORT / MOTOR VEHICLE

☐ ♦Death (TMV 2) *STANDARD*
☐ ♦Non-Death Injuries (TMV 2) *STANDARD*
☐ ♦Property Damage Only (TMV 2) *STANDARD*

TORT / NON MOTOR VEHICLE

☐ Other Malpractice (MAL 2) *COMPLEX*
☒ Personal Injury (PIN 2) *STANDARD*
☐ Property Damage (PRP 2) *STANDARD*
☐ Wrongful Death (WDE 2) *STANDARD*
☐ ♦Other Tort (TTO 2) *COMPLEX*
☐ ♦Products Liability (TTO 2) *COMPLEX*
☐ ♦Asbestos (TTO 2) *COMPLEX*

MISCELLANEOUS

PROPERTY RIGHTS

☐ Condemnation (CON 2) *STANDARD*
☐ Foreclosure (FOR 2) *REV 4*
☐ Property Fairness (PFA 2) *STANDARD*
☐ Quiet Title (QTI 2) *STANDARD*
☐ Unlawful Detainer / Eviction (UND 2) *REV 4*
☐ Unlawful Detainer / Contested (UND 2) *REV 4*

OTHER COMPLAINT OR PETITION

☐ ♦Compel/Confirm Bind Arbitration (MSC2) *REV 4*
☐ ♦Deposit of Surplus Funds (MSC 2) *REV 4*
☐ ♦Interpleader (MSC 2) *REV 4*
☐ ♦Subpoenas (MSC 2) *REV 4*
☐ ♦Victims' Employment Leave (MSC 2) *REV 4*
☐ ♦Wireless Number Disclosure (MSC 2) *REV 4*
☐ Injunction (INJ 2) *REV 4*
☐ Malicious Harassment (MHA 2) *Non PCLR*
☐ Meretricious Relationship (MER 2) *REV 4*
☐ Minor Settlement/No Guardianship(MST2) *REV 4*
☐ Pet for Civil Commit/Sex Predator (PCC2) *REV 4*
☐ Property Damage Gangs (PRG 2) *REV 4*
☐ Seizure of Property/Comm. of Crime(SPC2) *REV 4*
☐ Seizure of Property Reslt from Crime(SPR2) *REV 4*

TORT / MEDICAL MALPRACTICE

☐ ♦Hospital (MED 2) *COMPLEX*
☐ ♦Medical Doctor (MED 2) *COMPLEX*
☐ ♦Other Health Care Professional (MED2)*COMPLEX*

WRIT

☐ Habeas Corpus (WHC 2) *REV 4*
☐ Mandamus (WRM 2) *REV 4*
☐ Review (WRV 2) *REV 4*
☐ Miscellaneous Writ (WMW 2) *REV 4*

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PIERCE COUNTY, WASHINGTON

August 05 2010 3:02 PM

KEVIN STOCK
COUNTY CLERK
NO: 10-2-11784-4

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY**

RONALD D. JOHNSTON

Plaintiff(s),

vs.

THE SHAW GROUP INC.

Defendant(s)

NO. 10-2-11784-4

TRACK ASSIGNMENT REQUEST

NAME: JOHN ROSS WILSON
ADDRESS: 4701 S 19th St Ste 300
TACOMA, WA 98405-1199

PHONE: (253) 383-5388

FAX:

JURY DEMAND ANTICIPATED ☐ YES ☐ NO
CONSOLIDATION ANTICIPATED ☐ YES ☐ NO
ESTIMATED LENGTH OF TRIAL 5 DAYS

TRACK ASSIGNMENT REQUESTED: SEE PCLR (g)(2)through(5)

STANDARD ☒ EXPEDITED ☐ COMPLEX ☐ LUPA ☐

TRACK REQUESTS THAT DEVIATE FROM THE PRESUMED TRACK (SEE PCLR1)
MUST BE EXPLAINED ON THE SPACE PROVIDED BELOW, OR WILL BE REJECTED
BY CLERK.

I HEREBY CERTIFY THAT I HAVE CONSIDERED THE GENERAL GUIDELINES FOR TRACK
ASSIGNMENT AS CONTAINED HEREIN AND CERTIFY THAT MY REQUESTED TRACK IS IN
COMPLIANCE THEREWITH.

DATED: August 05, 2010

SIGNED: /s/ JOHN ROSS WILSON

WSB#: 24501

E-FILED
IN COUNTY CLERK'S OFFICE
PIERCE COUNTY, WASHINGTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

August 05 2010 3:02 PM

RONALD D. JOHNSTON

Petitioner(s)

Vs.

THE SHAW GROUP INC.

Respondent(s)

No. 10-2-11784-4

ORDER SETTING CASE SCHEDULE

Type of case: PIN
Estimated Trial (days): 5
Track Assignment: Standard
Assignment Department: 05
Docket Code: ORSCS

KEVIN STOCK
COUNTY CLERK
NO: 10-2-11784-4

Confirmation of Service	9/2/2010
Confirmation of Joinder of Parties, Claims and Defenses	12/2/2010
Jury Demand	12/9/2010
Status Conference (Contact Court for Specific Date)	Week of 12/30/2010
Plaintiff's/Petitioner's Disclosure of Primary Witnesses	1/27/2011
Defendant's/Respondent's Disclosure of Primary Witnesses	2/24/2011
Disclosure of Rebuttal Witnesses	4/14/2011
Deadline for Filing Motion to Adjust Trial Date	5/12/2011
Discovery Cutoff	6/16/2011
Exchange of Witness and Exhibit Lists and Documentary Exhibits	6/30/2011
Deadline for Hearing Dispositive Pretrial Motions	7/7/2011
Joint Statement of Evidence	7/7/2011
Pretrial Conference (Contact Court for Specific Date)	Week of 7/21/2011
Trial	8/4/2011 9:00

Unless otherwise instructed, ALL Attorneys/Parties shall report to the trial court at 9:00 AM on the date of trial.

NOTICE TO PLAINTIFF/PETITIONER

If the case has been filed, the plaintiff shall serve a copy of the Case Schedule on the defendant(s) with the summons and complaint/petition: Provided that in those cases where service is by publication the plaintiff shall serve the Case Schedule within five (5) court days of service of the defendant's first response/appearance. If the case has not been filed, but an initial pleading is served, the Case Schedule shall be served within five (5) court days of filing. See PCLR 1.

NOTICE TO ALL PARTIES

All attorneys and parties shall make themselves familiar with the Pierce County Local Rules, particularly those relating to case scheduling. Compliance with the scheduling rules is mandatory and failure to comply shall result in sanctions appropriate to the violation. If a statement of arbitrability is filed, PCLR 1 does not apply while the case is in arbitration.

Dated: August 5, 2010

Vicki L. Hogan

Judge VICKI L. HOGAN

Department 05

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IN COUNTY CLERK'S OFFICE
PIERCE COUNTY, WASHINGTON

August 05 2010 3:02 PM

KEVIN STOCK
COUNTY CLERK
NO: 10-2-11784-4

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

RONALD D. JOHNSTON, a married
person,

Plaintiff,

vs.

THE SHAW GROUP, INC., a Louisiana
corporation; ATLANTIC CONTINGENCY
CONSTRUCTORS, LLC., a Louisiana
Limited Liability Company; GENERAL
MECHANICAL, INC., a Washington
Corporation; NESS & CAMPBELL
CRANE, INC., a Washington corporation,

Defendants.

NO.

SUMMONS (60 DAY)

TO THE DEFENDANTS THE SHAW GROUP and ATLANTIC CONTINGENCY
CONSTRUCTORS, LLC:

A lawsuit has been started against you in the above-entitled court by plaintiff.
Plaintiff's claims are stated in the written complaint, a copy of which is served upon you
with this summons.

In order to defend against this lawsuit, you must respond to the complaint by
stating your defense in writing, and serve a copy upon the undersigned attorney for the

SUMMONS (60 DAY) - 1

RUSH, HANNULA, HARKINS & KYLER, L.L.P.
4701 South 19th Street, Suite 300
TACOMA, WA 98405
TELEPHONE: (253) 383-5388
FAX: (253) 272-5105

1 plaintiff within sixty (60) days after the service of this summons, excluding the day of
2 service, or a default judgment may be entered against you without notice. A default
3 judgment is one where plaintiff is entitled to what she asks for because you have not
4 responded. If you serve a notice of appearance on the undersigned attorney, you are
5 entitled to notice before a default judgment may be entered.

6 You may demand that the plaintiff file this lawsuit with the court. If you do so, the
7 demand must be in writing and must be served upon the plaintiff. Within fourteen (14)
8 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the
9 service on you of this summons and complaint will be void.

10 If you wish to seek the advice of an attorney in this matter, you should do so
11 promptly so that your written response, if any, may be served on time.

12 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of
13 the State of Washington.

14 DATED this 5th day of August, 2010.

15 RUSH, HANNULA, HARKINS & KYLER, L.L.P.
16 Attorney for Plaintiff

17 By: 

18 John R. Wilson, WSBA #24501
19
20
21
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23
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25

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IN COUNTY CLERK'S OFFICE
PIERCE COUNTY, WASHINGTON

August 05 2010 3:02 PM

KEVIN STOCK
COUNTY CLERK
NO: 10-2-11784-4

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

RONALD D. JOHNSTON, a married
person,

Plaintiff,

vs.

THE SHAW GROUP, INC., a Louisiana
corporation; ATLANTIC CONTINGENCY
CONSTRUCTORS, LLC., a Louisiana
Limited Liability Company; GENERAL
MECHANICAL, INC., a Washington
Corporation; NESS & CAMPBELL
CRANE, INC., a Washington corporation,

Defendants.

NO.

SUMMONS (20 DAY)

TO THE DEFENDANTS GENERAL MECHANICAL, INC. and NESS &
CAMPBELL CRANE, INC.:

A lawsuit has been started against you in the above-entitled court by plaintiff.
Plaintiff's claims are stated in the written complaint, a copy of which is served upon you
with this summons.

In order to defend against this lawsuit, you must respond to the complaint by
stating your defense in writing, and serve a copy upon the undersigned attorney for the

SUMMONS (20 DAY) - 1

RUSH, HANNULA, HARKINS & KYLER, L.L.P.
4701 South 19th Street, Suite 300
TACOMA, WA 98405
TELEPHONE: (253) 383-5388
FAX: (253) 272-5105

1 plaintiff within twenty (20) days after the service of this summons, excluding the day of
2 service, or a default judgment may be entered against you without notice. A default
3 judgment is one where plaintiff is entitled to what she asks for because you have not
4 responded. If you serve a notice of appearance on the undersigned attorney, you are
5 entitled to notice before a default judgment may be entered.

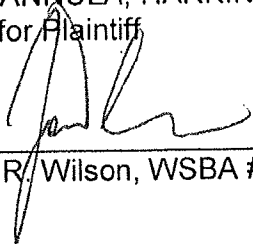
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11 promptly so that your written response, if any, may be served on time.

12 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of
13 the State of Washington.

14 DATED this 5th day of August, 2010.

15 RUSH, HANNULA, HARKINS & KYLER, L.L.P.
16 Attorney for Plaintiff

17 By: 
18 John R. Wilson, WSBA #24501
19
20
21
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E-FILED
IN COUNTY CLERK'S OFFICE
PIERCE COUNTY, WASHINGTON

August 05 2010 3:02 PM

KEVIN STOCK
COUNTY CLERK
NO: 10-2-11784-4

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

RONALD D. JOHNSTON, a married
person,

Plaintiff,

vs.

THE SHAW GROUP, INC., a Louisiana
corporation; ATLANTIC CONTINGENCY
CONSTRUCTORS, LLC., a Louisiana
Limited Liability Company; GENERAL
MECHANICAL, INC., a Washington
Corporation; NESS & CAMPBELL
CRANE, INC., a Washington corporation,

Defendants.

NO.

COMPLAINT FOR DAMAGES

COMES NOW the plaintiff, Ronald D. Johnston, by and through his attorney of
record, John R. Wilson, of Rush, Hannula, Harkins & Kyler, L.L.P., and for cause of
action against the defendants, states and alleges as follows:

I.

The court has jurisdiction over the parties hereto and the subject matter herein.

////

COMPLAINT FOR DAMAGES - 1

RUSH, HANNULA, HARKINS & KYLER, L.L.P.
4701 South 19th Street, Suite 300
TACOMA, WA 98405
TELEPHONE: (253) 383-5388
FAX: (253) 272-5105

II.

At all times material hereto, Ronald D. Johnston was a resident of Pierce County, Washington.

III.

At all times material hereto, Ronald D. Johnston, was a civilian employee for the Public Works, O&M Division, Waste Water Plant, at the Fort Lewis Waste Water Treatment Plant in Fort Lewis, Pierce County, Washington.

IV.

At all times material hereto, defendant The Shaw Group was a Louisiana corporation licensed and authorized to do business in the State of Washington. All acts, omissions and conduct of the employees, agents, or representatives of defendant The Shaw Group were by and on behalf of The Shaw Group for which it is legally responsible.

V.

At all times material hereto, defendant Atlantic Contingency Constructors, LLC., ("ACC"), was a Louisiana Limited Liability Company, licensed and authorized to do business in the State of Washington. All acts, omissions and conduct of the employees, agents, or representatives of defendant ACC were by and on behalf of ACC for which it is legally responsible.

VI.

At all times material hereto, defendant General Mechanical, Inc., was a Washington corporation, doing business in Pierce County, Washington. All acts, omissions and conduct of the employees, agents, or representatives of defendant General Mechanical were by and on behalf of General Mechanical for which it is legally responsible.

VII.

At all times material hereto, defendant Ness & Campbell Crane, Inc., was a Washington corporation, doing business in the State of Washington. All acts, omissions and conduct of the employees, agents, or representatives of defendant Ness & Campbell Crane was by and on behalf of Ness & Campbell Crane for which it is legally responsible.

VIII.

To the best information and belief of the plaintiffs, at all times material hereto, the defendants were engaged in a construction or maintenance project ("Project") involving a digester at the Fort Lewis Waste Water Treatment Plant in Pierce County, Washington.

IX.

To the best information and belief of the plaintiffs, at all times material hereto, defendant The Shaw Group was a managing partner of defendant ACC, and had contracted with defendant ACC, to oversee the Project for the Fort Lewis Waste Water Treatment Plant.

X.

To the best information and belief of the plaintiffs, at all times material hereto, defendant General Mechanical, Inc. had been hired by defendant ACC as the general contractor for the Project. All acts, omissions and conduct of the employees, agents, or representatives of defendant General Mechanical were by and on behalf of defendant ACC for which it is legally responsible.

XI.

To the best information and belief of the plaintiffs, at all times material hereto defendant Ness & Campbell Crane, Inc. was a subcontractor to defendant General

1 Mechanical for purposes of construction or other work on the Project. All acts,
2 omissions and conduct of the employees, agents, or representatives of defendant Ness
3 & Campbell Crane was by and on behalf of defendants General Mechanical, ACC and
4 The Shaw Group for which they are legally responsible.

5 XII.

6 On or about April 5, 2009, plaintiff Ronald D. Johnston had reported for work at
7 the Fort Lewis Waste Water Treatment Plant in Pierce County, Washington. Mr.
8 Johnston was making his usual rounds as Utility Systems Repairer-Operator which
9 involved inspection of the chlorine tanks and diesel fuel. While walking down a pathway
10 on the premises, Mr. Johnston tripped over a length of cable that had been stretched
11 across the walkway. The cable was being used by the Defendants in conjunction with
12 work being done on the digester Project. Defendants, and each of them, were negligent
13 in failing to provide a reasonably safe working and construction environment, failing to
14 adequately light areas of construction related danger, and failing to adequately warn of
15 construction related danger.

16 XIII.

17 As a direct and proximate result of the negligence of the defendants, and each of
18 them, as alleged herein, plaintiff Ronald D. Johnston sustained personal injuries and
19 continues to suffer personal injuries.

20 XIV.

21 As a further direct and proximate result of negligence of the defendants, and
22 each of them, as alleged herein, plaintiff Ronald D. Johnston has incurred medical costs
23 and expenses, may incur costs and expenses for future medical treatment, and has
24 sustained other out-of-pocket costs and expenses, all in an amount to proven at the
25 time of trial.

XV.

As a further direct and proximate result of the negligence of the defendants, and each of them, as alleged herein, plaintiff Ronald D. Johnston has sustained pain and suffering, both mental, physical and emotional, will sustain pain and suffering in the future, may incur medical costs and expenses for future treatment, and has suffered lost wages, all in an amount to be proven at the time of trial.

XVI.

Work on the Project by the defendants herein constitutes a concert of action, a unity of purpose or design, and the defendants working separately but with a common purpose and all acting with the knowledge and consent of the others, therefore making all of the defendants herein jointly and severally liable for the damages suffered by the plaintiff.

WHEREFORE, plaintiff prays for judgment against the defendants as follows:

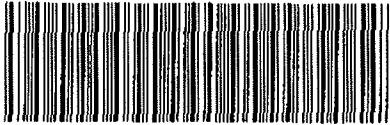
1. For all general and non-economic damages suffered by plaintiff;
2. For all special and economic damages suffered by the plaintiff;
3. For pre-judgment interest on the liquidated sums;
4. For all costs and disbursements incurred herein, including a reasonable attorney's fee; and
5. For such other relief as the court deems just and equitable.

DATED this 4th day of August, 2010.

RUSH, HANNULA, HARKINS & KYLER, L.L.P.
Attorneys for Plaintiffs

By: 

John R. Wilson, WSBA #24501



10-2-11784-4 34845210 AFSR 08-16-10

FILED
IN COUNTY CLERK'S OFFICE

A.M. AUG 16 2010 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK County Clerk
BY _____ DEPUTY

**SUPERIOR COURT, IN AND FOR THE COUNTY OF PIERCE, STATE OF
WASHINGTON**

RONALD D. JOHNSTON, A MARRIED PERSON,
Plaintiff/Petitioner

Cause #: 10-2-11784-4

vs.
THE SHAW GROUP, INC., A LOUISIANA
CORPORATION, ET AL,
Defendant/Respondent

Declaration of Service of:

SUMMONS AND COMPLAINT FOR DAMAGES; ORDER
SETTING CASE SCHEDULE

Hearing Date:

Declaration:

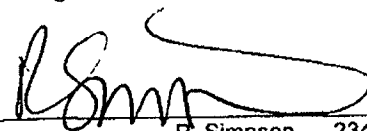
The undersigned hereby declares: That s(he) is now and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the date and time of Aug 10 2010 9:34AM at the address of 2701 S "J" ST TACOMA, within the County of PIERCE, State of WASHINGTON, the declarant duly served the above described documents upon GENERAL MECHANICAL, INC., A WASHINGTON CORPORATION by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with DALE HOOVER PRESIDENT/REGISTERED AGENT.

No information was provided that indicates that the subjects served are members of the U.S. military.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: August 11, 2010 at Tacoma, WA

by 
R. Simpson 23422

Service Fee Total: \$ 63.20



ABC Legal Services, Inc.
206 521-9000
Tracking #: 3565853



**ORIGINAL
PROOF OF SERVICE**

21184
Rush, Hannula & Harkins
4701 S 19th St, #300
Tacoma, WA 98405
253 383-5388

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

RONALD D. JOHNSTON, a married
person,

Plaintiff,

vs.

THE SHAW GROUP, INC., a Louisiana
corporation; ATLANTIC CONTINGENCY
CONSTRUCTORS, LLC., a Louisiana
Limited Liability Company; GENERAL
MECHANICAL, INC., a Washington
Corporation; NESS & CAMPBELL
CRANE, INC., a Washington corporation,

Defendants.

NO. 10-2-11784-4

SUMMONS (20 DAY)

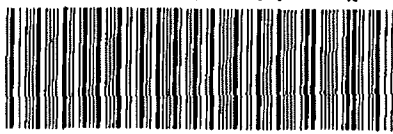
TO THE DEFENDANTS GENERAL MECHANICAL, INC. and NESS &
CAMPBELL CRANE, INC.:

A lawsuit has been started against you in the above-entitled court by plaintiff.
Plaintiff's claims are stated in the written complaint, a copy of which is served upon you
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SUMMONS (20 DAY) - 1

RUSH, HANNULA, HARKINS & KYLER, L.L.P.
4701 South 19th Street, Suite 300
TACOMA, WA 98405
TELEPHONE: (253) 383-5388
FAX: (253) 272-5105



10-2-11784-4 34882325 PRSV 08-23-10

FILED
IN COUNTY CLERK'S OFFICE

A.M. AUG 20 2010 P.M.
PIERCE COUNTY, WASHINGTON
KEVIN STOOK, County Clerk
BY _____

**SUPERIOR COURT, IN AND FOR THE COUNTY OF
PIERCE, STATE OF WASHINGTON**

**930 TACOMA AVE S
TACOMA, WASHINGTON 98402**

Dear SUPERIOR COURT, IN AND FOR THE COUNTY OF PIERCE, STATE OF
WASHINGTON:

Enclosed please find:

One original proof of service for filing in the case of:

RONALD D. JOHNSTON, A MARRIED PERSON,

vs.

THE SHAW GROUP, INC., A LOUISIANA
CORPORATION; ET AL.,

Case #: 10-2-11784-4

Thank you in advance for your assistance!

ABC Legal Services
633 Yesler Way Seattle, WA 98104
phone: 206-521-9000

Tracking # 3565854



IN THE
SUPERIOR COURT, IN AND FOR THE COUNTY OF PIERCE, STATE OF WASHINGTON

RONALD D. JOHNSTON, A MARRIED PERSON,

Plaintiff/Petitioner

vs
THE SHAW GROUP, INC., A LOUISIANA
CORPORATION; ET AL.,

Defendant/Respondent

Hearing Date

CAUSE NO **10-2-11784-4**

DECLARATION OF SERVICE OF:
SUMMONS & COMPLAINT FOR DAMAGES; ORDER
SETTING CASE SCHEDULE

The undersigned hereby declares That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the **12th day of August, 2010**, at **10:18 AM**, at the address of **CT CORPORATION SYSTEM, 5615 CORPORATE Boulevard SUITE 400B, BATON ROUGE, East Baton Rouge County, LA 70808**, this declarant served the above described documents upon **THE SHAW GROUP, INC., A LOUISIANA CORPORATION**, by then and there personally delivering **1** true and correct copy(ies) thereof, by then presenting to and leaving the same with **CT Corporation System through Julie Chism, REGISTERED AGENT - CT Corporation System**.

No Information was provided or discovered that indicates that the subjects served are members of the U.S military

Service Fee Total \$

Declarant hereby states under penalty of perjury under the laws of the State of **Washington** that the statement above is true and correct.

DATED this **16th** day of **August, 2010**.


William Humble, LA



FOR Rush, Hannula & Harkins
REF 21184

ORIGINAL PROOF OF
SERVICE

Tracking # 3565854 SEA FIL





**SUPERIOR COURT, IN AND FOR THE COUNTY OF
PIERCE, STATE OF WASHINGTON**

**930 TACOMA AVE S
TACOMA, WASHINGTON 98402**

**FILED
IN COUNTY CLERK'S OFFICE**

A.M. AUG 20 2010 P.M.

**PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ Deputy**

Dear SUPERIOR COURT, IN AND FOR THE COUNTY OF PIERCE, STATE OF
WASHINGTON:

Enclosed please find:

One original proof of service for filing in the case of:

RONALD D. JOHNSTON, A MARRIED PERSON,
vs.

THE SHAW GROUP, INC., A LOUISIANA
CORPORATION; ET AL.,

Case #: 10-2-11784-4

AUG 20 P.M.

Thank you in advance for your assistance!

ABC Legal Services
633 Yesler Way Seattle, WA 98104
phone: 206-521-9000

Tracking # 3565855



IN THE
SUPERIOR COURT, IN AND FOR THE COUNTY OF PIERCE, STATE OF WASHINGTON

RONALD D. JOHNSTON, A MARRIED PERSON,

Plaintiff/Petitioner

VS
THE SHAW GROUP, INC., A LOUISIANA
CORPORATION; ET AL.,

Defendant/Respondent

Hearing Date

CAUSE NO **10-2-11784-4**

DECLARATION OF SERVICE OF
SUMMONS & COMPLAINT FOR DAMAGES; ORDER
SETTING CASE SCHEDULE

The undersigned hereby declares That s(he) is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the **12th day of August, 2010**, at **10:18 AM**, at the address of **CT Corporation System, 5615 CORPORATE Boulevard SUITE 400B, BATON ROUGE, East Baton Rouge County, LA 70808**; this declarant served the above described documents upon **ATLANTIC CONTINGENCY CONSTRUCTORS, LLC., A LOUISIANA LIMITED LIABILITY COMPANY**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **CT Corporation System through Julie Chism, REGISTERED AGENT**.

No Information was provided or discovered that indicates that the subjects served are members of the U S military.

Service Fee Total \$

Declarant hereby states under penalty of perjury under the laws of the State of **Washington** that the statement above is true and correct.

DATED this **16th** day of **August, 2010**


William Humble, LA

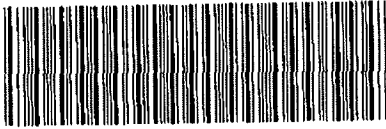


FOR: Rush, Hannula & Harkins
REF 21184

ORIGINAL PROOF OF
SERVICE

Tracking #: 3565855 SEA FIL





10-2-11784-4 34914974 NTAPR 08-27-10

FILED
IN COUNTY CLERK'S OFFICEA.M. AUG 28 2010 P.M.
PIERCE COUNTY, WASHINGTON
KEVIN BYRON, COUNTY CLERKIN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

RONALD J. JOHNSTON, a married person,

Plaintiff,

v.

THE SHAW GROUP, INC., a Louisiana
corporation; ATLANTIC CONTINGENCY
CONSTRUCTORS, LLC, a Louisiana Limited
Liability Company; GENERAL MECHANICAL,
INC., a Washington Corporation; NESS &
CAMPBELL CRANE, INC., a Washington
corporation,

Defendants.

No. 10-2-11784-4

NOTICE OF APPEARANCE ON
BEHALF OF DEFENDANTS THE
SHAW GROUP, INC. AND ATLANTIC
CONTINGENCY CONSTRUCTORS,
LLC

The Honorable Vicki L. Hogan

TO: CLERK OF THE COURT;

TO: All Parties;

AND TO: Their Counsel.

PLEASE TAKE NOTICE that Eileen I. McKillop and the law firm of Oles Morrison Rinker & Baker, LLP hereby enter their appearance on behalf of Defendants THE SHAW GROUP, INC. and ATLANTIC CONTINGENCY CONSTRUCTORS, LLC and ask that all further pleadings and correspondence,

NOTICE OF APPEARANCE - 1

OLES MORRISON RINKER & BAKER LLP
701 PIKE STREET, SUITE 1700
SEATTLE, WA 98101-3930
PHONE: (206) 623-3427
FAX: (206) 682-6234

1 except original service, be served upon them at the address below.

2 DATED this 26 day of August, 2010.

3 OLES MORRISON RINKER & BAKER LLP

4
5 By 

Eileen I. McKillop, WSBA 21602

6 Attorneys for Defendants The Shaw Group, Inc.
7 and Atlantic Contingency Constructors,
8 LLC

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NOTICE OF APPEARANCE - 2

OLES MORRISON RINKER & BAKER LLP
701 PIKE STREET, SUITE 1700
SEATTLE, WA 98101-3930
PHONE: (206) 623-3427
FAX: (206) 682-6234



10-2-11784-4 34914973 AFSR 08-27-10

The Honorable Vicki L. Hogan

FILED
IN COUNTY CLERK'S OFFICE

A.M. AUG 26 2010 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STERN, COUNTY CLERK
BY _____

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

RONALD J. JOHNSTON, a married person,

Plaintiff,

v.

THE SHAW GROUP, INC., a Louisiana corporation; ATLANTIC CONTINGENCY CONSTRUCTORS, LLC, a Louisiana limited liability company; GENERAL MECHANICAL, INC., a Washington corporation; NESS & CAMPBELL CRANE, INC., a Washington corporation,

Defendants.

No. 10-2-11784-4

DECLARATION OF SERVICE

I, Zaida DeAtley, hereby declare under penalty of perjury and in accordance with the laws of the State of Washington as follows:

1. I am a citizen of the United States and over the age of 18 years and am not a party to the within cause;
2. I am employed by the law firm of Oles Morrison Rinker & Baker LLP. My business and mailing address is 701 Pike Street, Suite 1700, Seattle, Washington 98101-3930.
3. On August 26, 2010, I caused to be served via ABC Legal Services, Inc. the following document(s) on the following persons:

Declaration of Service - 1

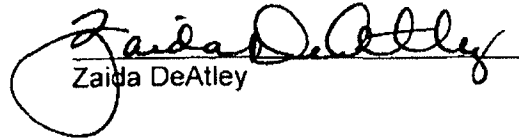
OLES MORRISON RINKER & BAKER LLP
701 PIKE STREET, SUITE 1700
SEATTLE, WA 98101-3930
PHONE: (206) 623-3427
FAX: (206) 682-6234

1 John R. Wilson
2 RUSH, HANNULA, HARKINS & KYLER, LLP
3 4701 South 19th Street, Suite 300
4 Tacoma, WA 98405

5 Entitled exactly:

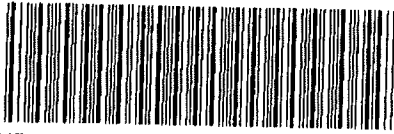
- 6 1) Notice of Appearance on Behalf of Defendants The Shaw Group, Inc. and
7 Atlantic Contingency Constructors, LLC; and
8 2) Declaration of Service.

9 DATED this 26th day of August, 2010.

10 
11 Zaida DeAtley
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Declaration of Service - 2

YLES MORRISON RINKER & BAKER LLP
701 PIKE STREET, SUITE 1700
SEATTLE, WA 98101-3930
PHONE: (206) 623-3427
FAX: (206) 682-6234



10-2-11784-4 34943512 NTAPR 09-01-10

FILED
IN COUNTY CLERK'S OFFICE

AM SEP 01 2010 PM

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

THE HONORABLE VICKI L. HOGAN

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

RONALD D. JOHNSTON, a married person,

Plaintiff,

v

THE SHAW GROUP, INC., a Louisiana
corporation; ATLANTIC CONTINGENCY
CONSTRUCTORS, LLC., a Louisiana
Limited Liability Company; GENERAL
MECHANICAL, INC., a Washington
Corporation; NESS & CAMPBELL CRANE,
INC., a Washington corporation,

Defendants.

NO. 10-2-11784-4

NOTICE OF APPEARANCE

(Clerk's Action Required)

TO John R. Wilson, Attorney for Plaintiff

AND TO: The Clerk of the above-entitled Court

PLEASE TAKE NOTICE that the undersigned attorney hereby appears on behalf
of Defendant General Mechanical, Inc., without waiving objections as to improper service

NOTICE OF APPEARANCE - 1
B5U2244 (JAH)

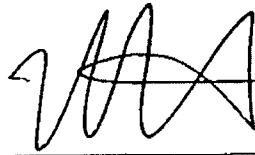
Law Offices of Kenneth R. Searce
420 Century Square
1501 Fourth Avenue
Seattle, WA 98101-3225
Tel (206) 326-4217
Fax (206) 326-4220

ORIGINAL

1 or jurisdiction. You are hereby directed to serve all future pleadings or papers, except
2 original process, upon said attorney at the address below stated.

3 DATED: August 31, 2010

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MICHAEL T. MORGAN, WSBA #29314
Attorney for Defendant General Mechanical, Inc.

NOTICE OF APPEARANCE - 2
BSU2244 (JAH)

Law Offices of Kenneth R. Searce
420 Century Square
1501 Fourth Avenue
Seattle, WA 98101-3225
Tel (206) 326-4217
Fax (206) 326-4220

DECLARATION OF FILING AND SERVICE

The undersigned declares as follows:

1. I am over the age of eighteen, competent to testify and have personal knowledge regarding the facts set forth herein.

2. That on the below date, I filed and served this document, as follows:

☒ Original
via
☒ ABC Legal Messenger
☒ Next Day ☐ Same Day

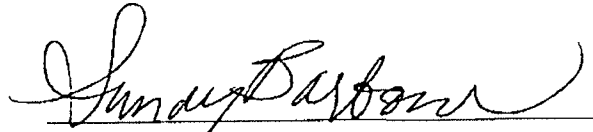
Clerk of the Court
Pierce County Superior Court
930 Tacoma Avenue S
Tacoma, WA 98402
(253) 798-6669 admin
(253) 798-7214 admin fax

☒ True & Correct Copy
via
☒ U.S. First-Class Mail
☒ Facsimile

John R. Wilson
Rush, Hannula, Harkins & Kyler, L.L.P.
4701 South 19th Street, Suite 300
Tacoma, WA 98405
(253) 383-5388
Fax (253) 272-5105

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATE: August 31, 2010
PLACE: Seattle, WA


Sandy Barbour

NOTICE OF APPEARANCE - 3
BSU2244 (JAH)

Law Offices of Kenneth R. Searce
420 Century Square
1501 Fourth Avenue
Seattle, WA 98101-3225
Tel (206) 326-4217
Fax (206) 326-4220